

Family Care and Family Leave Rules: State and Federal Regulations

August 22, 2006

State Laws

Family Care Act and Rules (L&I RCW 49.12.265; WAC 296-130)

- Can use paid leave, such as sick Leave, vacation, holiday, PTO, and some short-term disability plans
- Use paid leave to care for sick family members including spouse, child, parent, parent-in-law, grandparent with a serious health condition
- If condition qualifies under federal FMLA (see below),
- Includes care of a minor child with a routine childhood illness and for preventative care; also for disability of an adult son or daughter
- Includes short-term care of pregnant spouse during or after childbirth, as needed
- All employers who provide a paid leave benefit

Family Leave Act and Family Leave Rules (L&I RCW 49.78.005; WAC 296-134)

- Employers with ≥ 50 employees within 75 mile radius; employees with 1,250 hours in past year [same as FMLA]
- WA State: Unpaid Disability Leave – Leave for disability due to pregnancy or childbirth is *in addition to* FMLA
 - Typically 6-8 weeks; determined by healthcare provider based on individual's condition
 - Could include period of time before childbirth
 - See Human Rights Commission information below
- Other Parts identical to FMLA will be enforced by USDOL (SSB 6185)

Sex Discrimination (Human Rights Commission RCW 49.60; WAC 162-30)

- Covers employers with ≥ 8 employees
- Pregnant employee covered/period of time before and after childbirth
- Pregnancy Disability Leave
 - Healthcare provider determines when employee can no longer work
 - Typically 6-8 weeks of leave; determined by healthcare provider based on individual's condition
 - Entitled to same benefits that employer offers other employees on temporary disability leave
 - Entitles employee to return to same or similar job after leave

Federal Law

Family Medical and Leave Act [FMLA]

- Employers with ≥ 50 employees within 75 mile radius; employees with 1,250 hours in past year
- Unpaid leave – 12 weeks for childbirth or care of family member
- Family members include spouse, child, parent, pregnant employee

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State Laws	Jurisdiction	Paid Leave [sick, vacation, holiday, disability]	Unpaid Leave	Family Members Covered	Pregnancy	Employer- Employee Criteria
Family Care Act	L&I RCW 49.12.265 WAC 296-130	X		Child, spouse, parent, parent-in- law, grandparent		No size requirement
Family Leave Act	L&I RCW 49.78.005 WAC 296.134		X For pregnant employee only; Amount of time determined by health care provider	superseded by the FMLA where identical	X Allows period of disability due to pregnancy by Human Rights Commission <i>in addition to</i> FMLA	≥ 50 employees in 75 miles If employee worked 1,250 hours in past 12 months
Sex Discrimination (pregnancy disability)	Human Rights Commission RCW 49.60 WAC 162.30	Only if employer offers benefits to others on temporary disability	Amount of time determined by health care provider		X	≥ 8 employees no employment duration
Federal Law						
Family Medical and Leave Act [FMLA]	USDOL 29 CFR 825		12 weeks	Child, spouse, parent, pregnant employee	X	≥ 50 employees in 75 miles If employee worked 1,250 hours in past 12 months